

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

Samuel Hoffmeyer, Pro Se
(ENTER ABOVE THE NAME OF THE PLAINTIFF IN THIS ACTION)

IF THE PLAINTIFF IS A PRISONER: PRISONER # (761637)

vs.

Ohio Department of Corrections et al.
(ENTER ABOVE THE NAME OF THE DEFENDANT IN THIS ACTION)

IF THERE ARE ADDITIONAL DEFENDANTS PLEASE LIST THEM:

Warden Harris
Devin Hoover, Inst Inspector
Mr. Hudson, Rea Coordinator
Chris Lambert, Chief Inspector

COMPLAINT

I. PARTIES TO THE ACTION:

PLAINTIFF: PLACE YOUR NAME AND ADDRESS ON THE LINES BELOW. THE ADDRESS YOU GIVE MUST BE THE ADDRESS THAT THE COURT MAY CONTACT YOU AND MAIL DOCUMENTS TO YOU. A TELEPHONE NUMBER IS REQUIRED.

Samuel Hoffmeyer (761637)
NAME - FULL NAME PLEASE - PRINT

Lebanon Correctional Inst,
ADDRESS: STREET, CITY, STATE AND ZIP CODE

State Route 63

Lebanon, Ohio 45036
TELEPHONE NUMBER

IF THERE ARE ADDITIONAL PLAINTIFFS IN THIS SUIT, A SEPARATE PIECE OF PAPER SHOULD BE ATTACHED IMMEDIATELY BEHIND THIS PAGE WITH THEIR FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS. IF NO ADDITIONAL PLAINTIFFS EXIST CONTINUE WITH THIS FORM.

PAGE 2 AND 3 OF THIS FORM DEAL ONLY WITH A PLAINTIFF THAT IS INCARCERATED AT THE TIME OF FILING THIS COMPLAINT.

1:20CV752

L. DLOTT

MJ. LITKOVITZ

FILED
RICHARD W. MAGEL
CLERK OF COURT
20 SEP 21 PM 2:15
U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI
ML

IF YOU ARE A PRISONER FILING A CIVIL SUIT THE FOLLOWING INFORMATION IS REQUIRED:

PREVIOUS LAWSUITS:

- A. HAVE YOU BEGUN OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO YOUR IMPRISONMENT? YES () NO (☒)
- B. IF YOUR ANSWER TO A IS YES, DESCRIBE THE LAWSUIT IN THE SPACE BELOW. (IF THERE IS MORE THAN ONE LAWSUIT, DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THE SAME OUTLINE.)

1. PARTIES TO THIS PREVIOUS LAWSUIT

PLAINTIFFS:

DEFENDANTS:

2. COURT (IF FEDERAL COURT, NAME THE DISTRICT: IF STATE COURT, NAME THE COUNTY)

--

3. DOCKET NUMBER

--

4. NAME OF THE JUDGE TO WHOM THE CASE WAS ASSIGNED

--

5. DISPOSITION (FOR EXAMPLE, WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING?)

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6. APPROXIMATE DATE OF THE FILING OF THE LAWSUIT

--

7. APPROXIMATE DATE OF THE DISPOSITION

--

PLACE OF PRESENT CONFINEMENT

Lebanon Correctional Inst. (LeCI)

A. IS THERE A PRISONER GRIEVANCE PROCEDURE IN THIS INSTITUTION?
YES (☒) NO ()

B. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT IN THIS STATE
PRISONER GRIEVANCE PROCEDURE? YES (☒) NO ()

C. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

Filed Prea Complaint Pursuant to
79-ISA-02 on Day Room Kiosk Pursuant
AR 5120-9-31.

2. WHAT WAS THE RESULT?

I was placed on grievance Restriction
Pursuant to 5120-9-31(E) by Insptor
(ODRS) (LeCI)

D. IF YOUR ANSWER IS NO, EXPLAIN WHY NOT.

I was denied my right to grieve the
Conditions of my Confinement and
Exhaust my administrative Remedies

E. IF THERE IS NO PRISON GRIEVANCE PROCEDURE IN THIS INSTITUTION, DID
YOU COMPLAIN TO PRISON AUTHORITIES? YES () NO ()

F. IF YOUR ANSWER IS YES:

1. WHAT STEPS DID YOU TAKE?

2. WHAT WAS THE RESULT?

DEFENDANTS:

PLACE THE NAME AND ADDRESS OF EACH DEFENDANT YOU LISTED IN THE CAPTION ON THE FIRST PAGE OF THIS COMPLAINT. THIS FORM IS INVALID UNLESS EACH DEFENDANT APPEARS WITH FULL ADDRESS FOR PROPER SERVICE.

1. Annette Chambers-Smith DRC Director
NAMES - FULL NAME PLEASE
4545 Fisher Road, Suite D Columbus, Oh 43228
ADDRESS - STREET, CITY, STATE AND ZIP CODE
2. (LeCI) Warden Harris
State Route 63
Lebanon, Ohio 45036
4. (LeCI) Area Compliance Manager Mr. Hudson
State Route 63
Lebanon Ohio, 45036
5. (LeCI) Devin Hoover
State Route 63 Lebanon, Ohio 45036
Chief Inspector Chris Lombert
4545 Fisher Road, Suite D Columbus, Ohio 43228
- 6.

IF THERE ARE ADDITIONAL DEFENDANTS, PLEASE CONTINUE LISTING THEM.

STATEMENT OF CLAIM

PLEASE WRITE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE. DESCRIBE HOW EACH DEFENDANT IS INVOLVED. INCLUDE THE NAME OF ALL PERSONS INVOLVED. GIVE DATES AND PLACES.

DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES.

IF YOU HAVE A NUMBER OF DIFFERENT CLAIMS; PLEASE NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. YOU ARE NOT LIMITED TO THE PAPERS WE GIVE YOU. ATTACH EXTRA SHEETS THAT DEAL WITH YOUR STATEMENT CLAIM IMMEDIATELY BEHIND THIS PIECE OF PAPER.

(Addendum to Complaint)

While under direct custody of the (CDCR) Specifically (LeCI) Lebanon Correctional Institution by Director Chambers-Smith and warden Harris.

Inmate Plaintiff was sexually assaulted and subject to Prea Classification and Protocol by Prea Coordinator Mr. Hudson but was not.

After filing (5) Informal complaints due to Sexual Assault and (6) due to failure to respond and to follow Prea Protocol 99-ISA-04 and Separation from Abuser's. I was placed on Grievance restriction for reasons leading to further abuse and present imminent danger and Serious Physical Injury by (LeCI) Inst. Insp Devin Hoover and Chief Insp Chris Lombert.

Further, this was strategy to create censorship and estoppel and prevented my access to courts and my right to Redress. The Grievance Restriction was inappropriately imposed. Here, Prea Procedure requires ARS100-9-31 Inmate Grievance Procedure. Here, I was further subject to additional Sexual Abuse with no way to communicate and exhaust my administrative Remedies or be safe from Sexual Abuse or complain to staff about imminent Sexual Abuse.

(continued)

RELIEF

IN THIS SECTION PLEASE STATE (WRITE) BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT, CITE NO CASES OR STATUTES.

I would like for this court to: (Addendum to)

1). Grant Legal writ to Plaintiff against (ODRC)

Director Chamber-Smith and warden Harris to

immediately separate Plaintiff from (6) Abuse's at (LeCI)

Institutional transfer Per the Protocol 79-ISA-04.

(2) Issue order to Chief Inspector Lambert and (LeCI)

Inst Insp D. Moore to not impose grievance restrictions

against Inmates / Inmate Hoffmeyer as classified as a

Potential victim due to multiple assaults since

his incarceration began in April 2018 due to filing

the complaints via SDO-9-31 and 79-ISA-02

(3) Issue order for Chief Inspector and (LeCI) Inspector

to provide a paper copy of his exhausted Informal

complaints with DRC Findings so he may further

supply this court with a copy per 42 U.S.C § 1997(c)(2)

and be able to file additional suits for (LeCI) (med)

(LeCI) (LeCI) (man CI) Institutions.

SIGNED THIS 11th DAY OF September 2020.

Samuel Hoffmeyer
SIGNATURE OF PLAINTIFF

Addendum to Statement of Claim (continued)

1). Here, after corresponding with ODRC Director about having been assaulted at Lebanon Correctional Institution and sending correspondence as to Prea Coordinator Mr. Hudson Compliance manager's refusal to respond and prosecute Abusers and Prea non-compliance violations She was Deliberately Indifferent in Responding to dr Policy 79-ISA-02 Reporting Response and violation of Prison Rape Elimination Act. (Prea) Director, Annett Chamber-Smith.

2). On September 14, 2020 warden Harris after having been made aware that I was sexually assaulted by inmates within (LCI) and requested to report sexual assaults Per Prea Protocol 79-ISA-02 and under D. Hoovers Grievance Restriction. Warden Harris placed restrictions on me through Designee Ms. Myers Here, the restriction such E-mailing security staff's while in isolation instructing them not allow me corresponding material Grievance Form Pursuant to 5180-9-31. and Kite Form DRC 2005. medical healthcare Form DRC 3373. Here, after having been sexually assaulted I began to experience Rectal Bleeding. I am currently being isolated with one of the abusers. This violating the Separation Requirements of Prea 79-ISA-(02)(04) Reporting and accommodation. Here, the restrictions imposed knowingly created an estoppel to allow me to voice and document the conditions of my confinement pursuant Prison Litigation Reform Act.

(1) a Deliberate Indifference to Plaintiff/Inmate having been repeatedly sexually assaulted and Federal (PREA) Act. Protocol.

(b). Denial of medical healthcare treatment 8th Amendment.

(c). Refused Plaintiff notary Public for Affidavits.

Addendum to Statement of Claim (continued)

(c) right to Exhaust Administrative remedies per 42 U.S.C. § 1997 and Ohio administrative rule 5120-9-31. (PLRA)

(d) violations of Federal (PREA) Act. 79-ISA-02 Reporting

(e) violation of Federal (PREA) Act. 79-ISA-04 Separation and accommodation. (LeCI) Warden Harris

3). Here, Prea Coordinator is Indifferent for not imposing administrative and Prea Policy/Protocol Pursuant to 79-ISA-02, 04 Reporting, Response, Separation Institutionally and Housing.

(a). Refused to respond to Prea Complaint brought through AR 5120-9-31. (LeCI) Prea Compliance manager Mr Hudson.

(b) Failed to impose Prea protocol 79-ISA-04 Separation from

(b) Six Abuse's Institutional Separation and classification of Abuse's as potential Aggressors. Pre DRC Statewide DOTS Database.

(c). Did not conduct Prea Investigations.

(d). Did not provide timely Rape Forensic medical Exam or Convey Inmate Hoffmayer to medical Hospital for S.A.I.N. Rape Kit Procedure. 8th Amd and d

(e) Compliance manager failed to classify Plaintiff as potential victim after repeated sexual Assaults by (b) inmates (LeCI).

Violating (PREA) Protocol 79-ISA-(04)(02) classification. (4)(c)(b)

(F). Prea Compliance manager did not impose 30/60/90 day assessment and monitoring Strategy.

(G). Prea Compliance manager did not Provide Rape Counseling or mental Health Services 8th Amd Prea Protocol 79-ISA-04 VI

(A)(3) (C)(1)(2) (a)(b)(c)(d)(e), (C)(3) (c)(b).

Prea Coordinator, Compliance manager Mr. Hudson (LeCI)

Addendum to Statement of Claim (continued)

(4) Further, (LeCI) Institutional Inspector, Devin Hoover, refused to respond to (6) Prea Complaints due to Sexual assaults and (5) Informal complaints due to Prea Protocol violations. As result Inspector Hoover contacts Chief Inspector, Chris Lambert in turn Both Parties Author a document imposing Grievance Restriction pursuant to 5120-9-31(E), on June 12, 2020. due to my utilizing Inmate Grievance System 5120-9-31 to complain about conditions of my confinement and issues of imminent danger of serious physical injury. Further, (LeCI) Inspector D. Hoover refused to answer the (11) Informal Complaints so he could go to grievance step then Appeal step. The complaints where not able to be exhausted as required 42 U.S.C § 1997. This creating legal estoppel in wanton act. However, there was legal stipulation within authored grievance Restriction indicating Plaintiff must have issue to be grieved first approved by Inspector D. Hoover, here if it empowered illegel conduct by (LeCI) Staff it could be rejected. IF I brought the Prea Issues he would just deny them. This creating a monopoly and estoppel to my legal Requirement to Exhaust my Administrative Remedies as required by 5120-9-31.

Here, this procedure by Both Chief Inspector Chris Lambert and Institutional Inspector was by Prior calculation and design to minimize and prevent Plaintiff from access to courts and His right to Redress Ohio and Federal Constitutions. After the imposition of the Grievance Restriction and Stipulated language of document Plaintiff was denied Inmate Kite correspondence documents and the Jpay Kiosk was deactivated

Addendum to Statement of Claim (Concluded)

For my ability to electronically submit complaints per 520-9.31. Plaintiff made (11) request for existing decisions of forgoing complaints. Authored Prior to Restriction I was told "No" Your on Restriction. I also indicated the complaints were authored Prior to Restriction and were not subject to Stipulations or imposed Restriction. I further, requested stipulated approved complaint documents for Prea Violations and non-compliance thereof. Additional Retaliation by Staff and Inmates I was denied. At this point on May 29, 2020 after Sexual assault by Inmate Allen I sought Protective Custody by Captain Frisby. I have been Isolation from May 29, 2020 till Sept 14, 2020 (4) months. I have been denied Informal complaints due to human Right to healthcare and mental health counseling Post-Sexual Assault victim. I am being Refused Inmate/Abuse Separation and being denied Institutional Transfer Per Prea Protocol. I have been denied my freedoms and Privileges as other inmates enjoy. I am in fear for my life and fear further Sexual Abuse. DRC (Clerk) Staff is refusing to Prosecute inmates committing Felony Sexual assaults such as Rape and Gross Sexual Imposition. I have absolute right to be free from Sexual mis-conduct while Undersness or Incarceration and my Legislative Right guarantee by Prison Rape Elimination Act.

State of Ohio)
Warren County) ss.

Inmate Statement

while under the Direct Custody of the Ohio Department of Rehabilitation and Correction, Specifically, Lebanon Correctional Institution, Warden, Harris as Inmate (A761637) Samuel Hoffmeyer, State the following:

1). That while Performing my Job Duties as B Schedule cook for Aramark Inc. I was approached by Inmate Allen another B schedule cook in (LeCI) Kitchen-Panroom.

2). After being approached from behind Inmate Allen with exposed Penis Placed his hands around my waste and thrust himself in Forward "Humping" motion.

3). That during the assault Inmate Allen's Penis made contact with the Cleavage of my Buttock and Lower back.

4). That Inmate Allen during assault Continued repeatedly thrusting his genitalia against me forcing me violently against Stainless Steel sink Counter Top.

5). After assault I went to Aramark Supervisor Mr. Meadows indicating I had been Sexually Assaulted but was refused Pre incident Report / Aramark Report. Inmate Further Sayeth Naught.

9-14-20

Date

Samuel Hoffmeyer (761637)

Samuel Hoffmeyer, Inmate
Lebanon Correctional Inst.

(Case No. 1:20-cv-637)

State of Ohio
Warren County } S.

Inmate Statement

while under the direct custody of the Ohio Department of Rehabilitation and Correction, Director, Annett Chambers-Smith, Specifically, Lebanon Correctional Institution, warden Harris, as Inmate (A761637), Samuel Hoffmeyer, do state the following:

1). That while in confines of housing Unit 1-A cell 2-A-25, on March 17, 2020, Inmate John Taylor did by force do the following:

1). Inmate Taylor States, "Your Just trying to get me to talk".

he then forces his finger into my mouth and Gum.

2) Inmate Taylor States, "Proofs in the Pudding". He then forces his finger into my Pubic Area making contact with my genitalia.

3). Inmate Taylor makes inappropriate comment as to the Smell of my Gas/Fart. He then by force Places his finger into the Cleavage of my Buttock touching me above my Rectal Area. Inmate Further Sayeth Naught.

I, Inmate, Samuel Hoffmeyer, do swear that the above Statement is True and accurate.

9-14-20

Date

Samuel Hoffmeyer (761637)

Samuel Hoffmeyer, Inmate
Lebanon Correctional Inst.
(Case no. 1:20-cv-637)

State of Ohio }
Warren County } ss.

Inmate Statement

while under the Direct Control of the Ohio Department of Rehabilitation and Correction, Director, Annette Chambers-Smith, Specifically, Lebanon Correctional Institution, warden, Harris as Inmate (A761637), Samuel Hoffmeyer, do State the following:

1). That while being housed in housing unit B Inmate Derrick Warren # 621-655 did the following:

2) Inmate Warren did approach me stating, "I am Black Jesus," I do what I want."

3) Inmate Warren did by force grab fondle my Penis/Testicals.

4). Inmate Warren further threatened to Kill me.

5). That after Sexual Assault, I was Placed into R-Block Isolation with Inmate Warren where I was further Sexually Harassed on August 10, 2020. I was further threatened to be Raped.

Inmate Further Sayeth Naught.

I, Samuel Hoffmeyer, do swear that the above is True and accurate.

9-14-20

Date

Samuel Hoffmeyer (761637)

Samuel Hoffmeyer, Inmate
Lebanon Correctional Inst.
(Case no. 1:20-cv-637)

State of Ohio)
 Warren County) ss.

Inmate Statement

while under the direct custody of the Ohio Department of Rehabilitation and Correction, Director, Annett Chambers-Smith. Specifically, Lebanon Correctional Institution, warden Harris, as Inmate (A76637), Samuel Hoffmeyer, do state the following:

- 1). That while housed in housing unit D in cell 1-D-5 Inmate Brian Stone did by force the following:
 - 2). That Inmate Stone did place his left finger into my right eye.
 - 3). That Inmate Stone while placing finger into my eye, he administered Drug / Intoxicant, Soboxone.
 - 4). That Inmate Stone while placing his left finger into my right eye, did further place his right hand onto my left Buttock, squeezing his fingers further penetrating the cleavage of my buttock and Rectum. on April 30, 2020.
- Inmate further sayeth Naught.

I, Inmate, Samuel Hoffmeyer, do swear that the above Statement is True and accurate.

9-14-20

Samuel Hoffmeyer (76637)

Samuel Hoffmeyer, Inmate
 Lebanon Correctional Inst.
 (case no. 1:20-cv-637)

State of Ohio }
Warren County } ss. Inmate Statement

while under the direct custody of the Ohio Department of Rehabilitation and Correction, Director, Annette Chamber-Smith. Specifically, Lebanon Correctional Institution, warden Harris, as Inmate (A761637), Samuel Hoffmeyer do State the following:

- 1) while housed in housing Unit B cell 2-B-16 Inmate Josh Vititoe by force do the following:
- 2) That Inmate Vititoe stood next to my Bunk, and directly above my head while exposing himself masturbated.
- 3) Inmate Vititoe while masturbating did ejaculate.
- 4) Inmate Vititoe's ejaculant/bodily secretion did make contact with my mouth, nose, eye, and ear.

Inmate Further Sayeth Naught.

I, Inmate, Samuel Hoffmeyer, do swear that the above Statement is True and accurate,

9-14-20

Date

Samuel Hoffmeyer (A761637)

Samuel Hoffmeyer, Inmate
Lebanon Correctional Inst.
(Case no. 1:20-cv-637)

State of Ohio)
Warren County } ss.

Inmate Statement

while under the direct custody of the Ohio Department of Rehabilitation and Correction, Director, Annett Chambers-Smith. Specifically, Lebanon Correctional Institution, Warden Harris, as Inmate (A761637), Samuel Hoffmeyer, do state the following:

1) That while housed in housing Unit B in cell 2-B-16 on April 17, 2020, Inmate Julian Brooks did by force the following:

2) That Inmate Brooks did attempt to Anally Rape me by forcing his Penis into the Cleavage of my Buttock and against my Rectum.

3) That Inmate Brooks by force Pulled my hair and head mouth onto his Penis where I was forced to have Oral Sex.

4) That Inmate Brooks did by force rape me orally. Inmate Further Sayeth Naught.

I, Inmate, Samuel Hoffmeyer, do swear that the above Statement is True and accurate.

Samuel Hoffmeyer (761637)

Samuel Hoffmeyer, Inmate

Lebanon Correctional Inst.

(Case no. 1:20-cv-637)

9-14-20

Date

LeCI FREE MAIL

INMATE
CORRESPONDENCE

S. Hoffmeyer - (1761637)
Lebanon Correctional Inst.
State Route 63
Lebanon, Ohio 45036



U.S. POSTAGE >> PITNEY BOWES



ZIP 45036 \$ 000.50⁰
02 1W
0001402204 SEP. 17. 2020

U.S. Courthouse Southern Dist.
100 East 5th Street Suite 103
Cincinnati, Ohio 45202

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